IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Eric Allan Bier	)	Examiner:
			)	Quoc A. Tran
Serial No.	:	09/731,912	)	
			)	Art Unit:
Cnfrm. No.	:	1180	)	2176
			)	
Filed	:	December 8, 2000	)	
			)	
For	:	SYSTEMS AND METHODS FOR EDITING A WEB PAGE	))	Date: August 14, 2006
			)	

APPEAL BRIEF

Mail Stop APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This appeal is from the decision of the Primary Examiner dated October 12, 2005, finally rejecting claims 1-3, 5-13, 15, 16, 18-21 and 23-45, which are reproduced as the Appendix A of this brief.

Please charge the $500.00 (1402) Government fee required under 37 C.F.R. 41.20(b)(2) to Deposit Account No. 24-0037.

The Commissioner is hereby authorized to charge any fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 24-0037.

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I. Real Party in Interest

The assignee of record and real party of interest is the Xerox Corporation.

II. Related Appeals and Interferences

The Appellant's legal representative, or assignee, does not know of any other appeal or interferences which will affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims 1-3, 5-13, 15, 16, 18-21 and 23-45 stand finally rejected and are the subject of this appeal. Claims 4, 14, 17 and 22 are canceled.

IV. Status of Amendments

There were no amendments filed subsequent to the final Office Action.

V. Summary Claimed Subject Matter

There are three independent claims on appeal:

<u>Independent Claim 1</u>

Claim 1 is directed to a group-editable web page editing system (e.g., see item 100 of Figure 5 and the description starting on line 4 of page 6). The system comprises an element selection device (e.g., item 140 of Figure 5) that selects a portion of an electronic document. The selected portion includes at least one of template information or formatting information that is stored within the electronic document (e.g., see page 5, lines 5-10; page 6, lines 1-3; page 7, lines 4-7 and lines 26-27; and page 8, lines 25-26). Claim 1 recites that the system includes an editing device (e.g., item 180 of Figure 5) that determines an edit user interface (e.g., see Figures 6, 8 and 12) and allows editing of the selected portion through the edit user interface. Additionally, the edit user interface allows editing of at least one of the template information or the formatting information of the selected portion (e.g., see item 26 of Figure 2 and the description at page 5, lines 13-14; page 5, lines page 6, lines 1-3; page 7, line 4-7, and the description starting at line 26 page 7). The system also includes an updating device that replaces the selected portion with the edited portion (e.g., see page 7, lines 14-18).

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Independent Claims 12 and 20

Claim 12 is directed to a method for editing a group-editable web page (e.g., see page 5, lines 10-12). The method comprises the processes of selecting a portion of an electronic document (e.g., see page 5, lines 12-16; page 7, lines 9-10), wherein the selected portion includes at least one of template information or formatting information stored within the electronic document (e.g., see page 5, lines 5-10; page 6, lines 1-3; page 7, lines 4-7 and lines 26-27). Claim 12 further recites the processes of determining an edit user interface for the selected portion, wherein the edit user interface allows editing of at least one of the template information or the formatting information of the selected portion (e.g., see Figure 1; page 4, line 33 to page 5, line 4; and page 6, lines 1-3), editing at least one of the template information or the formatting information of the selected portion using the edit user interface (e.g., see page 8, lines 4-5 and 25-27), and replacing the selected portion based on the edited portion (e.g., see page 8, lines 21-24; page 9, lines 14-16; and page 14, lines 30-32).

Similar processes are recited in claim 20 with respect to a computer readable medium including one or more computer-readable instructions embedded therein (e.g., see page 17, lines 3-12). Thus, it is not believed further summary of claim 20 would be required for the purposes of this appeal.

VI.   Grounds of Rejection to be Reviewed

A.   The single grounds of rejection for review is a rejection of claims 1-3, 5-13, 15-16, 18-21 and 23-45 under 35 U.S.C. §103(a) as allegedly being unpatentable over Bay-Wei Chang, "In-Place Editing of Web Pages: Sparrow Community-Shared Documents," URL: http://www2.parc.com/istl/projects/sparrow/doc/www7/, originally published April 1998 (hereinafter, "Chang"), in view of Giljum et al. (U.S. Patent No. 6,745,328).

VII.   Argument

A.   The Chang and Giljum et al. documents do Not Teach the Subject Matter of Claims 1, 12 and 20.

MPEP § 2143 instructs that three criteria must be met to establish a *prima facie* case of obviousness. Two of these criteria require that there would have been some suggestion or motivation, either in the cited documents themselves or in the knowledge generally available

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to one of ordinary skill in the art, to have combined the teachings of the cited documents and that there must have been a reasonable expectation that the documents could have been successfully combined. The rejection cannot stand, for reasons advanced in detail hereinafter, because neither Chang nor the Giljum patent discloses nor suggests storing editable template information or formatting information within the electronic document. Consequently, these documents, whether taken individually or in combination, fail to teach or suggest the claimed features of "an element selection device that selects a portion of an electronic document, wherein the selected portion includes at least one of template information or formatting information stored within the electronic document ... an editing device that determines an edit user interface and allows editing of the selected portion through the edit user interface, wherein the edit user interface allows editing of at least one of the template information or the formatting information of the selected portion," as recited in Appellant's independent claim 1, and the processes of "selecting a portion of an electronic document, wherein the selected portion includes at least one of template information or formatting information stored within the electronic document; determining an edit user interface for the selected portion, wherein the edit user interface allows editing of at least one of the template information or the formatting information of the selected portion ... editing at least one of the template information or the formatting information of the selected portion using the edit user interface," as set forth in Appellant's independent claims 12 and 20.

1.   The Chang Publication

The Chang publication is discussed at length in the Specification of the present application, starting at page 1, line 17, to page 2, line 9. As discussed therein, Chang provides that the content of items on a page may be edited using an interface. The web page taught by Chang are web pages that have the additional capability of being modifiable by visitors to the page. (Section 2.1, Overview). In particular, after a web page is put onto the Web, other users may contribute to the page in ways the original author of the page has defined. (Section 1, Introduction). For example, as is taught by Chang in Section 2.2, "Lightweight Editing Features", contributors may add or edit items. Thus, Chang teaches the use of a user interface to edit items of a web page from a web browser. However, as correctly acknowledged by the Examiner at page 4, lines 5-7 of the final office action, Chang does not teach a group-editable page that allows use of a user interface to edit template information or formatting information.

2.   The Giljum Patent

The Giljum patent is directed to a "self-service system" allowing users to add items to a Web Site by way of a number of "panels" displayed on the user's browser (see, column 1, line 66 to column 2, line 14). The entire system of Giljum is resident in a "Web Site Database," which is located at a central server. In column 5, lines 8-17, Giljum describes the Web Site Database as follows:

> The Web Site Database has a built-in structure for organizing, classifying and cross-referencing items in a web site. The Web Site Database of the present invention enables the creation of a taxonomy for the classification and organization of site content. In prior art web site design, the smallest component is a page. A page consists of an assortment of links, images and text. In the Web Site Database, the smallest component is an item. For this embodiment, pages are dynamically generated, and collections of items are displayed.

According to Giljum, an authorized user is allowed to edit the site by selecting an "edit" icon (e.g., see Figure 8, the upper right-hand corner) on the home page of the Web Site. When selecting this icon, the user is presented with a panel, which allows the user to further select a particular type of editor, such as a "style editor" (see Figure 9). Starting at line 55 of column 11, Giljum describes that a user can select the style editor to define a style for either the entire Web Site or for individual folders (see, column 12, lines 2-3). In column 18, line 60 to column 19, line 13, Giljum describes how a user may select a particular style (e.g., font, color etc.) for a particular folder through the Web Site Database.

In the final office action, the Examiner acknowledges that the Chang document fails to teach the claimed features of "an element selection device that selects a portion of an electronic document, wherein the selected portion includes at least one of template information or formatting information stored within the electronic document ...," but that the Giljum patent allegedly teaches this feature in column 11, line 55 through column 13, line 30 and in Figures 11 and 38 (see, page 4 of the action, starting at line 4). It is respectfully submitted, however, that Giljum does not teach or suggest the features of independent claims 1, 12 and 20 admittedly missing in Chang.

Contrary to the present invention, the Giljum patent neither discloses nor suggests storing editable template information or formatting information within the electronic document. Rather, in Figure 3, Giljum shows folders that are <u>linked to various tables stored</u>

in the Web Site Database, such as a "style table 350" (see, column 7, lines 1-17). Hence, the Giljum patent does not teach or suggest claimed features including the selection of a portion of an electronic document, "wherein the selected portion includes at least one of template information or formatting information stored within the electronic document ... the edit user interface allows editing of at least one of the template information or the formatting information of the selected portion ..." as recited in each of the pending independent claims. To the contrary, the Giljum system appears to keeps editable templates and formatting information separate from the folders (i.e., "electronic documents") including the content.

Additionally, the Giljum patent also appears to teach that item content is stored in the database as well. For example, column 5, lines 37-40 suggests that pages are being computed upon request, using data in the database. Likewise, column 6, lines 59-61 of Giljum disclose that the system uploads the item to the database if necessary. Thus, there is no suggestion in Giljum to store editable template or formatting information within an electronic document as claimed. Because the Giljum system does not describe, imply or suggest storing editable information including template information or formatting information within the electronic document, and instead teaches to store such information in different areas of a database (i.e., linked tables in the database), Giljum cannot be reasonably considered to teach or suggest each and every feature recited in the pending claims, as well as the advantageous features facilitated by the present invention.

The present invention, therefore, discloses a novel and non-obvious approach to editing, for example, *formatting information* and *template information* in a self-contained group-writable Web page even while users can be updating the content elements of the page. For example, referring to Fig. 1 of the present application, if a user desires to edit *one or more templates* stored within a web page, the user initiates a template edit mode, in which a template edit device, in cooperation with an element selection device, parses the web page to determine the one or more templates in use, and creates and forwards a temporary web page to a browser, which allows for editing of the template (e.g., see page 7, line 26, to page 8, line 8). The template edit device may then update each item on the page associated with the edited template, temporarily save the web page, and update the web server (e.g., see page 8, lines 21-24).

In a further described example of the invention, a user can edit the *formatting characteristics* of the page in the page edit mode, which is initiated in response to a user

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request with the aid of an editing device. For instance, a page edit device, in cooperation with an element selection device and a placeholder determination device, parses the web page and replaces the suppressed items with placeholder identifications in a temporary page. Next, the element selection device selects the non-placeholder information, defining, for example, the global characteristics of the web page, and a user interface determination device, in cooperation with the page edit device, then assembles a page edit user interface having an edit area defined for each non-placeholder portion. A user is then allowed to perform edits on the remaining HTML. The page edit device then deletes the old non-placeholder portions and replaces them with the updated non-placeholder portions. Each item associated with the updated non-placeholder portions are then updated, the web page is saved to a temporary file, and the web server is updated (e.g., see page 8, line 25, to page 9, line 23).

Thus, the group-editable Web pages of the present invention can store the data items in the Web page as well as editable template and formatting information. The page is self-contained in this way in a group-writable document. Therefore, there is no need for a database, such as in the Giljum system, and its related software and administration costs. Additionally, the present invention allows for persistent Web pages. That is, they can be stored, sent by e-mail, moved from one server to another, while maintaining their data, and can be edited modified with new templates and formats so they can be used for new purposes.

Furthermore, as the applied references are absent any teaching or suggestion for the proposed modification, Appellant submits that the Examiner's motivation for combining the applied references could only have been arrived at after reviewing the present application. Of course, such reasoning is impermissible and cannot be relied upon for establishing *prima facie* case. See, *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

For all these reasons, the applied combination of the Chang and Giljum documents does not teach or suggest each and every feature set forth in Appellant's independent claims 1, 12 and 20, and therefore also in the dependent claims. Therefore, the Office has failed to establish a *prima facie* case of obviousness. Accordingly, the rejection of claims 1, 12 and 20 should be reversed.

B.   The Chang Publication and Giljum Patent Do Not Teach the Subject Matter of Claims 34, 38 and 42

Claims 34, 38 and 42 respectively depend from independent claims 1, 12 and 20, and are therefore allowable at least for the reasons pointed out above. Additionally, these claims further specify that "the formatting information comprises at least one of text, images, and formatting codes editable by one or more authorized users, and wherein the formatting information is distinct from editable content items of the electronic document." The Examiner asserts, in the paragraph spanning pages 10 to 11, that Sections 2.2 and 4.1 of the Chang document discloses that Sparrow <u>items</u> are specified declaratively by creating a template that includes the fields that will be used and the HTML formatting around the field entries, and that a Sparrow page author specifies the fields in the Sparrow <u>items</u>, and Sparrow presents a form for the contributors to fill out or edit. However, the description from the Chang publication mentions nothing whatsoever of editing formatting information of a selected portion, as set forth in independent claims 1, 12 and 20. In fact, Section 2.2 states, "The author pre-specifies the formatting for a Sparrow item." Absent a showing of the claimed feature of "the formatting information is distinct from editable content items of the electronic document" in the applied Chang and Giljum et al. documents, it is respectfully submitted that the features of claims 34, 38 and 42 recite further points of distinction from the applied art.

C.   The Chang Publication and Giljum Patent Do Not Teach the Subject Matter of Claims 35, 39 and 43

With respect to claims 35, 39 and 43, the Examiner vaguely asserts, at page 11, that these claims "incorporate substantially similar subject matter as cited in claims 1, 6 and 12 above, and are similarly rejected along the same rational." However, claim 35 recites the feature of "a content item edit merging device that merges a modified content item back into the electronic document even if the template information or formatting information of the electronic document was altered while the content item was being modified." Similarly, in the context of a process, claims 39 and 43 recite, "merging a modified content item back into the electronic document even if the template information or formatting information of the electronic document was altered while the content item was being modified." First of all, the language recited in each of dependent claims 35, 39 and 43 is not recited in the respective independent claims. Second, because there is not teaching in either Chang or Giljum et al. of editing formatting information or template information, as claimed, there is certainly no

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mention, implication or teaching of merging a modified content item back into an electronic document under the condition where <u>template information or formatting information of the document was altered</u> while a content item was modified, as set forth in claims 35, 39 and 43. Hence, each of claims 35, 39 and 43 recite additional, separately patentable subject matter not taught or suggested in the Chang and Giljum et al. documents.

D.   <u>The Chang Publication and Giljum Patent Do Not Teach the Subject Matter of Claims 36, 40 and 44</u>

For reasons analogous to those given above, claims 36, 40 and 44 also recite separately patentable subject matter not taught in the applied Chang and Giljum et al. combination. For instance, the Examiner asserts that claim 36 "incorporate substantially similar subject matter as cited in claims 1, 6 and 12 above, and are similarly rejected along the same rational," and that claims 40 and 44 "incorporate substantially similar subject matter as cited in claim 35 above, and are similarly rejected along the same rational." (See, page 11.) However, claim 36 recites, "a <u>template</u> edit merging device that merges a modified <u>item template</u> back into the electronic document even if <u>the content of one or more items managed by the item template</u> was altered while the <u>item template</u> item was being modified," and claims 40 and 44 each recite the process of "merging a modified item template back into the electronic document even if the content of one or more items managed by the item template was altered while the item template item was being modified." It is respectfully submitted that this language is not recited in the independent claims, as the Examiner appears to allege. Moreover, a cursory a comparison of claims 40, 44 with claim 35 shows a number of different limitations between them. However, the Examiner fails to point to any teaching in Chang or Giljum et al. that would have taught or suggested these features. The rejection should be reversed, therefore, because it is the Examiner's burden to establish a *prima facie* case of obviousness, and Appellant is under no obligation to submit evidence of nonobviousness if he has failed to do so. See MPEP § 2142 and the caselaw cited therein.

VIII. Conclusion

For the reasons discussed above, Appellants respectfully submit that the Examiner's decision finally rejecting claims 1-3, 5-13, 15-16, 18-21 and 23-45 should be reversed and such action is earnestly solicited.

Respectfully submitted,

Date: <u>August 14, 2006</u>   <u>/John F. Guay, Reg.# 47248/</u>
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CLAIMS APPENDIX

The Appealed Claims

      1.   A group-editable web page editing system comprising:

      an element selection device that selects a portion of an electronic document, wherein the selected portion includes at least one of template information or formatting information stored within the electronic document;

      an editing device that determines an edit user interface and allows editing of the selected portion through the edit user interface, wherein the edit user interface allows editing of at least one of the template information or the formatting information of the selected portion; and

      an updating device that replaces the selected portion with the edited portion.

      2.   The system of claim 1, wherein the updating device accounts for one or more edits by other users.

      3.   The system of claim 2, wherein the one or more edits by other users are stored in a queue.

      5.   The system of claim 1, wherein the updating device updates the selected portion dependent on the edited portion.

      6.   The system of claim 1, wherein the element selection device represents at least one non-selected portion of the electronic document with a placeholder while the selected portion is being edited and wherein the edit user interface suppresses one or more non-selected portions of the electronic document while the selected portion is being edited.

      7.   The system of claim 1, wherein the editing device displays a placeholder corresponding to at least one non-selected portion in the edit user interface.

      8.   The system of claim 1, wherein the element selection device permits selection of all portions of the electronic document that are associated with a given portion class.

9.   The system of claim 8, wherein the portion classes include the class of items, the class of templates, and the class of remaining code.

10.   The system of claim 8, wherein a user may select and edit portions of the template class, while one or more other users may simultaneously edit portions of the item class.

11.   The system of claim 8, wherein one user may select and edit portions of the remaining code class, while one or more other users may simultaneously edit portions of the item class.

12.   A method for editing a group-editable web page comprising:

selecting a portion of an electronic document, wherein the selected portion includes at least one of template information or formatting information stored within the electronic document;

determining an edit user interface for the selected portion, wherein the edit user interface allows editing of at least one of the template information or the formatting information of the selected portion;

editing at least one of the template information or the formatting information of the selected portion using the edit user interface; and

replacing the selected portion based on the edited portion.

13.   The method of claim 12, wherein the replacing accounts for one or more edits by other users.

15.   The method of claim 12, wherein the edit user interface displays a placeholder corresponding to at least one non-selected portion and the selected portion while the selected portion is being edited and wherein the edit user interface suppresses the at least one non-selected portion of the electronic document while the selected portion is being edited.

16.   The method of claim 12, further comprising updating another portion of the electronic document.

18.   The method of claim 12, further comprising replacing one or more non-selected portions with a placeholder.

19.   The method of claim 12, wherein the electronic document comprises items, templates and remaining code.

20.   A computer readable medium including one or more computer-readable instructions embedded therein, which when executed by a processor, cause the processor to perform the steps of:

selecting a portion of an electronic document, wherein the selected portion includes at least one of template information or formatting information stored within the electronic document;

determining an edit user interface for the selected portion, wherein the edit user interface allows editing of at least one of the template information or the formatting information of the selected portion;

editing at least one of the template information or the formatting information of the selected portion; and

replacing the selected portion based on the edited portion.

21.   The computer readable medium of claim 20, wherein the replacing accounts for one or more edits by other users.

23.   The computer readable medium of claim 20, wherein the edit user interface displays a placeholder corresponding to at least one non-selected portion and the selected portion while the selected portion is being edited and wherein the edit user interface suppresses the at least one non-selected portion of the electronic document while the selected portion is being edited.

24.   The computer readable medium of claim 20, further comprising instructions for updating another portion of the electronic document.

25.   The computer readable medium of claim 20, further comprising:
instructions for unlocking the electronic document; and

instructions for processing any user contributions stored in a queue.

26. The computer readable medium of claim 20, further comprising instructions for replacing one or more of non-selected portions with a placeholder.

27. The computer readable medium of claim 20, wherein the electronic document comprises items, templates and remaining code.

28. The system of claim 1, further comprising a plurality of editing devices each with a different edit user interface, wherein one of the edit user interfaces from one of the plurality of editing devices is selected for the editing of the selected portion.

29. The system of claim 28, wherein the electronic document is a web page and the plurality of editing devices are each different web page editing devices.

30. The method of claim 12, wherein the determining an edit user interface further comprises selecting one of a plurality of different edit user interfaces, wherein the editing of the selected portion is with the selected one of the plurality of different edit user interfaces.

31. The method of claim 30, wherein the electronic document is a web page and the plurality of different edit user interfaces are each different web page edit user interfaces.

32. The computer readable medium of claim 20, wherein the instructions for determining an edit user interface further comprises instructions for selecting one of a plurality of different edit user interfaces, wherein the instructions for editing the selected portion is with the selected one of the plurality of different edit user interfaces.

33. The computer readable medium of claim 32, wherein the electronic document is a web page and the plurality of editing devices are each different web page editing devices.

34. The system of claim 1, wherein the formatting information comprises at least one of text, images, and formatting codes editable by one or more authorized users, and

wherein the formatting information is distinct from editable content items of the electronic document.

35.   The system of claim 1, further comprising a content item edit merging device that merges a modified content item back into the electronic document even if the template information or formatting information of the electronic document was altered while the content item was being modified.

36.   The system of claim 1, further comprising a template edit merging device that merges a modified item template back into the electronic document even if the content of one or more items managed by the item template was altered while the item template item was being modified.

37.   The system of claim 6, wherein the placeholders representing non-selected portions of the electronic document are displayed in the same order as the corresponding non-selected portions of the electronic document.

38.   The method of claim 12, wherein the formatting information comprises at least one of text, images, and formatting codes editable by one or more authorized users, and wherein the formatting information is distinct from editable content items of the electronic document.

39.   The method of claim 12, further comprising merging a modified content item back into the electronic document even if the template information or formatting information of the electronic document was altered while the content item was being modified.

40.   The method of claim 12, further comprising merging a modified item template back into the electronic document even if the content of one or more items managed by the item template was altered while the item template item was being modified.

41.   The method of claim 15, wherein the placeholders representing non-selected portions of the electronic document are displayed in the same order as the corresponding non-selected portions of the electronic document.

42.   The computer readable medium of claim 20, wherein the formatting information comprises at least one of text, images, and formatting codes editable by one or more authorized users, and wherein the formatting information is distinct from editable content items of the electronic document.

43.   The computer readable medium of claim 20, further comprising instructions for merging a modified content item back into the electronic document even if the template information or formatting information of the electronic document was altered while the content item was being modified.

44.   The computer readable medium of claim 20, further comprising instructions for merging a modified item template back into the electronic document even if the content of one or more items managed by the item template was altered while the item template item was being modified.

45.   The computer readable medium of claim 23, wherein the placeholders representing non-selected portions of the electronic document are displayed in the same order as the corresponding non-selected portions of the electronic document.

EVIDENCE APPENDIX

(NONE)

RELATED PROCEEDINGS APPENDIX

(NONE)